

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JEAN-FRANCOIS GNAPI,

Plaintiff,

-vs-

AMERICAN FARMERS &
RANCHERS MUTUAL
INSURANCE CO., et al.,

Defendants.

Case No. CIV-21-1017-F

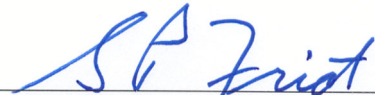
ORDER

The court is in receipt of the Joint Stipulation of Partial Dismissal with Prejudice (doc. no. 35), filed November 14, 2022, wherein the parties, pursuant to Rule 41(a), Fed. R. Civ. P., stipulate to the dismissal with prejudice of plaintiff's claims under the Fair Labor Standards Act (FLSA) and Emergency Paid Sick Leave Act (EPSLA).

Upon review, the court construes the filing as a joint motion to amend the amended complaint under Rule 15(a), Fed. R. Civ. P., to dismiss the FLSA and EPSLA claims. *See, Carskadon v. Diva Intern., Inc.*, No. 12-cv-01886-RM-KMT, 2013 WL 1876784, at *2 (D. Colo. May 3, 2013) (“[A] Plaintiff who wishes to dismiss some claims, but not others, should do so by amending the complaint pursuant to Rule 15.”); *see also, Gobbo Farms & Orchards v. Poole Chem. Co.*, 81 F.3d 122, 123 (10th Cir. 1996) (“[Plaintiff] offers no authority, and we have found none, to support its contention that Rule 41(a) applies to dismissal of less than all claims in an action.”).

So construed, the court finds that the joint motion to amend the amended complaint should be and is hereby **GRANTED**. Rather than require plaintiff to file a second amended complaint eliminating the FLSA and EPSLA claims, the court deems plaintiff's Amended Complaint amended to dismiss the FLSA and EPSLA claims.

IT IS SO ORDERED this 16th day of November, 2022.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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